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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/781.925

02/12/2001

Karen Capers

01 P 7466 US

1795

7590

01/18/2007

Elsa Keller
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EXAMINER

PARK, ILWOO

ART UNIT

PAPER NUMBER

2182

MAIL DATE

DELIVERY MODE

01/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/781,925	Applicant(s) CAPERS ET AL.	
	Examiner Ilwoo Park	Art Unit 2182	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 December 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-19 and 21.
 Claim(s) withdrawn from consideration: _____.

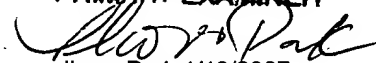
AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

ILWOO PARK
PRIMARY EXAMINER


 Ilwoo Park 1/10/2007

Continuation of 11. does NOT place the application in condition for allowance because: the applicant's arguments are not persuasive. The applicants are respectfully required to see the Kim reference as a whole. Kim teaches receiving a service option selection [e.g., user selecting a web server configuration in paragraph 0037 and step 56 in fig.5] and capacity information [e.g., user requesting the amount of memory, adding/deleting email accounts in paragraph 0037 and step 56 in fig.5]. Kim also discloses automatically applying a specified set of rules [e.g., determining whether the service is contracted with the user or not in paragraph 0038] to allow or deny the user to modify a parameter and a service of the user selection/request. Kim teaches producing a result set [e.g., routing a "control panel" which only allows the user access to those parameters the user is allowed to change to the user but not others in paragraph 0038] after applying the set of rules [after the modification of the user selection/request is allowed] Kim teaches producing another result set [e.g., "updated table" in the database with the modified parameters in paragraph 0038] after applying the set of rules. Kim further teaches automatically determining inclusion of network elements [e.g., automatically by the server manager determining which server having network resources to synchronize with the updated database reflecting the user request in paragraph 0039; for example, including a mail server to reflect the user requesting adding/deleting email account] based on the result set. Kim teaches automatically determining inclusion of another network elements [the server manager determining which tables having network resources are required to be updated in paragraph 0038] based on the result set. Kim teaches automatically determining [by a daemon program in paragraphs 0040 and fig. 6] configuration parameter [previous settings of parameters or modified parameters see steps 76, 78, 80, 88 in fig. 6 and paragraph 0042, 0043] and configuring the networks elements [desired server or plurality of servers in paragraph 0040] based on the result set accordingly. And Kim further teaches automatically locating [server manager determining the desired server] the network elements at the remote location [see servers 22, 24 in figs. 1 and 7] and automatically downloading the network elements [server manager selecting a new server without further user input and moving to another physical server in paragraph 0054] from the remote location.